THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21697 of 2007

DATED:12-10-2007

BETWEEN:

G.Bhagyavathi.

..... PETITIONER

AND

The District Collector,
Chittoor District & 3 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the action of the 1st respondent in not passing any orders in stay petition in Appeal No.C1/1150-07, dated 03-09-2007, filed against the orders of the 2nd respondent in proceedings D.Dis.C1/851/2007 confirming the cancellation orders of 3rd respondent in Roc.A3/333/06, dated 21-05-2007, and to declare the same as illegal and arbitrary.

3. It is stated that the petitioner is a fair price shop dealer of 174, Mittapalle village, Madanapalle Division, Somala mandal, Chittoor District and he has been supplying the essential commodities without any violation whatsoever and whileso, the 3rd respondent-Revenue Divisional Officer, Madanapalle by order, dated 21-05-2005, in proceedings No.A3/222/2005, cancelled the said fair price shop dealership of the petitioner. Aggrieved by the said cancellation order, petitioner filed an appeal before the 2nd respondent-Joint Collector, Chittoor District and the appellate authority also by order, dated 10-08-2007, in D.Dis.C1/851/2007 dismissed the appeal holding that revision lies to the Collector, Chittoor within thirty days.

4. It is stated that the petitioner filed a revision before the

Collector on 03-09-2007, and in fact, the said revision was numbered as Appeal No.C1/1150/07, and pending before the Government. It is further stated that pending disposal of the appeal petitioner filed W.P.No.15596 of 2007 and this Court granted stay of operation of cancellation order directing the respondents to release the commodities to the petitioner for distribution to the cardholders, till appropriate orders are passed by the appellate authority. It is stated that as the revision is pending before the Collector, I am not inclined to admit the Writ Petition.

5. Accordingly, Writ Petition is dismissed directing the 1st respondent to consider and dispose of the appeal No.C1/1150/2007 filed on 03-09-2007 against the order of the Joint Collector in D.Dis.No.C/851/2007, dated
10-08-2005, and pending disposal of the appeal before the Collector, the cancellation order shall not be given effect to and the petitioner may be permitted to distribute the essential commodities. No order as to costs.

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V.ESWARAIAH,J

12th October, 2007.

Note:

Furnish C.C. of the order
by tomorrow.

B/o

Tsy